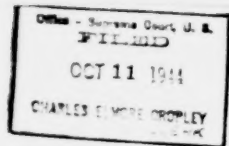


IN THE SUPREME COURT
OF THE UNITED STATES



ANNIE MAE BRADLEY, Petitioner)	
)	PETITION FOR WRIT
vs.)	OF CERTIORARI
)	CIVIL CAUSE NO. <u>586</u>
LENA M. BRADLEY and UNITED)	
STATES OF AMERICA, Respondents)	

TO THE HONORABLE THE SUPREME COURT OF THE UNITED STATES:

Comes now Annie Mae Bradley, widow, as petitioner herein, complaining of Lena M. Bradley and the United States of America, respondents herein, and makes and files this her petition in this court for a writ of certiorari to issue to the United States Circuit Court of Appeals for the Tenth Circuit whereby cause therein numbered 2886 and styled Lena M. Bradley, appellant, vs. United States of America and Annie Mae Bradley, appellees, and the adverse judgment therein to petitioner herein dated May 30, 1944, and made final therein by order of said Circuit Court dated July 21, 1944, denying the petition of Annie Mae Bradley to reopen the judgment in said cause, is desired to be removed to the Supreme Court of the United States by said writ of certiorari to review the errors committed by said Circuit Court in rendering judgment denying to petitioner, Annie Mae Bradley, an affirmance of the judgment of the trial court which granted her the recovery of the proceeds of a policy of National Service Life Insurance upon the life of her husband, Eugene M. Bradley.

The United States of America is made respondent herein for the sole purpose of the payment of the proceeds of the said policy of insurance depending upon whether a decision upon this petition for certiorari has the effect to require the payment of said proceeds to either petitioner or to Lena M. Bradley, one of the respondents herein.

GROUND OF JURISDICTION

(1) The Supreme Court of the United States has and should take jurisdiction upon the ground that the decision of the Circuit Court of Appeals for the Tenth Circuit in this case is in conflict with the decision on the same matter made by another Circuit Court of Appeals, to-wit the Sixth Circuit Court of Appeals in KASCHEFSKY VS. KASCHEFSKY, 110 FED. 2ND 836, for this: That the said Sixth Circuit Court in said case held the soldier's verbal declarations of intention to make change of beneficiary of his government insurance, together with several letters written to his sister, to the effect that he desired all his sisters and brothers, instead of the one brother originally named as beneficiary, to be equal beneficiaries of his insurance, were legally sufficient to effect a change of beneficiary: whereas the majority decision of the said Tenth Circuit Court in this case is that the insured's expressions of intention made to his wife and to his fellow flyers to change the beneficiary of his insurance from his mother to his wife, when carried out by no more than his signing and designating his wife as the beneficiary of said insurance in a Confidential Personal Report which was required of him by his superior officers, was not an effectuation of his said expressed

intention and did not legally effect a change of beneficiary of his insurance.

(2) The Supreme Court of the United States has and should take jurisdiction herein upon the ground that the said Circuit Court of Appeals for the Tenth Circuit by a divided opinion has decided an important question of federal law which has not been, but should be, settled by the Supreme Court of the United States. The majority opinion in this case will probably give rise to much insurance litigation which otherwise would be thought to be settled by the decisions cited herein; hence, the question should be settled by this court.

The question decided by said Circuit Court in this case is stated under first ground of jurisdiction.

Said question has been decided differently on analogous facts in these cases: by the Circuit Court of Appeals for the Seventh Circuit in STEELE VS. SUWALSKI, 75 FED. 2ND 885; by the District Judge in UNITED STATES VS. TUEBERT, D. C., N. Y., 57 FED. 2ND 895; by the District Judge in CLAFFY VS. FOREES, D. C., WASH., 280 FED. 233; and said majority opinion in this case conflicts in principle with the principles laid down and followed in the following cases:

JOHNSON VS. WHITE, EIGHTH CIRCUIT, 39 FED. 793, at page 796, reading:

"The intention, desire, and purpose of this soldier should, if it can reasonably be done, be given effect by the courts, and substance, rather than form, should be the basis of the decisions of